

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

EVAN AMBER OVERTON AND )  
JOHN KEENAN OVERTON, CO- )  
ADMINISTRATORS FOR THE )  
ESTATE OF EZRA MICHAEL )  
OVERTON, DECEASED, )  
Plaintiffs, )  
v. )  
**FISHER-PRICE, INC;** )  
AND )  
**MATTEL, INC.** )  
Defendants. )

Case No.: 1:19-cv-751

**PLAINTIFFS' MOTION FOR AN ORDER COMPELLING DISCLOSURE OR  
DISCOVERY AND TO REVISE DISCOVERY PLAN**

Pursuant to FRCP 37, Plaintiffs move for an order compelling disclosure or discovery and revising the existing discovery plan, as stated below and in their accompanying Brief in Support of Motion for Order Compelling Disclosure or Discovery and to Revise Discovery Plan (Plaintiffs' Brief).

For the reasons set forth in Plaintiffs' Brief, plaintiffs respectfully request that the Court enter an Order requiring defendants to immediately produce without objection and in an organized and labeled fashion the following:

1. All documents concerning or regarding any and all pre-and post -market testing to determine whether the RNP Sleeper was safe for all-night sleep;

2. All documents (un-redacted) in defendants' possession, custody or control concerning "other incidents" involving infant injury or death allegedly caused by a Rock 'n Play Sleeper; and

3. All documents in defendants' possession, custody or control concerning or relating to the April 8, 2019 recall of all Rock 'n Play Sleepers.

In addition, plaintiffs respectfully request that the Court re-set the discovery plan and scheduling order in order allow plaintiffs' consulting experts sufficient time to receive and digest the above information and for such other relief as the Court deems appropriate under Rule 37.

A good-faith effort to resolve and narrow the areas of disagreement has been made in accordance with Local Civil Rule 7E and Local Civil Rule 37(E).

**EVAN AMBER OVERTON AND JOHN  
KEENAN OVERTON, CO-  
ADMINISTRATORS FOR THE ESTATE OF  
EZRA MICHAEL OVERTON, DECEASED**

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*Counsel for Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 3<sup>rd</sup> day of December, 2019, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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